

REMARKS

This Submission under 37 C.F.R. 1.114 accompanies Applicants' Request for Continued Examination and is in supplemental response to the final Office Action mailed May 16, 2006 and is in response to the Advisory Action mailed July 11, 2006. By this response, claims 47, 67, 70, 74 and 77 are amended. No new matter has been added.

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Statement of Substance of Interview

An interview concerning the present Application was held on August 10, 2006. The interview included Examiner Andrew Koenig from the USPTO and Jasper Kwoh, representative of the Applicants.

The Applicants' representative wishes to thank the Examiner for the courtesies extended during the interview. During the telephonic interview, no exhibitions were shown, and no demonstration was conducted. Claim 47 and the Banker and Wasilewski references were discussed. The substance of the interview was regarding why the amendments to the rejected independent claims require a new search when the amendments are merely the allowable subject matter of claim 31. Thus, no new element was added that required a new search. The Examiner explained that a new search is required for the rejected claims because the grounds of rejections for the rejected claims are different than the rejection for claim 31. The Examiner also clarified during the telephone interview the allowable subject matter, and what he meant by "the antecedence of the computer means."

No agreement was reached regarding the claims.

REJECTIONS

Allowable Subject Matter

Applicants thank the Examiner for the allowance of claim 31.

35 U.S.C. §103 Rejection of Claims 47, 48, 67-79

The Examiner has rejected claims 47, 48 and 67-79 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,400,401 to Wasilewski et al. (hereinafter "Wasilewski") in view of U.S. Patent 5,231,494 to Wachob (hereinafter "Wachob") and U.S. Patent 5,251,028 to Iu (hereinafter "Iu"). Applicants respectfully traverse the rejection.

The examiner indicated that the prior art of record does not show or reasonably suggest a plurality of FIFO storage means and a FIFO control means for... sending a control signal to a computer processing means when a individual FIFO means is reaching capacity along with a means for obtaining communications from the set top terminals, the computer processing means, connected to the obtaining means, for generating instructions to the signal processor using the communications from the set top terminals as claimed in claim 31. Independent claims 47, 67, 70, 74 and 77 have been amended to include the above features. Moreover, the subject matter and all the features of claim 31 are now included in the amended claims. Thus, none of the prior art of record shows or reasonably suggests claims 47, 67, 70, 74 and 77 taken as a whole.

As such, independent claims 47, 67, 70, 74 and 77 are patentable under 35 U.S.C. §103 over Wasilewski, Wachob and Iu. Furthermore, claims 48, 68-69, 71-73, 75-76 and 78-79 depend directly from independent claims 47, 67, 70, 74 and 77 and recite additional limitations thereof. As such, Applicants submit that these dependent claims also are patentable under 35 U.S.C. §103 over Wasilewski, Wachob and Iu.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 49

The Examiner has rejected claim 49 under 35 U.S.C. §103(a) as being unpatentable over Wasilewski in view of U.S. patent 5,099,319 to Esch et al. (hereinafter “Esch”). Applicants respectfully traverse the rejection.

Each of the grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §103 for the corresponding independent claims. Since the rejection of the corresponding independent claims under 35 U.S.C. §103 has been overcome, as described hereinabove, and there is no argument put forth by the Office that any other additional references supply that which is missing from Wasilewski to render the independent claims unpatentable, these grounds of rejection cannot be maintained.

Therefore, Applicant respectfully requests that the Examiner’s rejection of claim 49 under U.S.C. §103(a) be withdrawn.

CONCLUSION

Thus, Applicant submits that claims 31, 47-49 and 67-79 are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jasper Kwoh at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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